

FISHING INDUSTRY (SPINY  
LOBSTER) REGULATIONS, 2009



THE  
**JAMAICA GAZETTE**  
**SUPPLEMENT**

**PROCLAMATIONS, RULES AND REGULATIONS**

101A

Vol. CXXXII

THURSDAY, APRIL 30, 2009

No. 33A

No. 59A

**THE FISHING INDUSTRY ACT**

**THE FISHING INDUSTRY (SPINY LOBSTER) REGULATIONS, 2009**

In exercise of the power conferred upon the Minister by section 25(k) of the Fishing Industry Act, the following Regulations are hereby made:—

Citation. 1. This Order may be cited as the Fishing Industry (Spiny Lobster) Regulations, 2009.

Interpretation. 2. In these Regulations—

“close season” means the close season for lobster declared under section 19(k) of the Act;

“commercial cold storage establishment” means any premises, on shore or off shore, and includes vessels where spiny lobster is kept or stored for commercial purposes;

"eating establishment" means any place where spiny lobster is prepared or sold for human consumption and includes a mobile cart or unit, a roadside stand or a container in which spiny lobster is prepared;

"middleman" means any person who buys and sells spiny lobster for sale to retailers and consumers;

"possess" in relation to spiny lobster, includes the confining of live spiny lobster by whatever means within any space—

- (a) by any device in the sea;
- (b) any container housed within any device in the sea; or
- (c) any container housed within any device floating in the sea,

except where spiny lobster is, unintentionally caught after naturally entering fishing gear during active fishing and immediately returned to sea;

"spiny lobster" means all the species of the family Panolinuridae and Genus Panulirus and includes the whole or part thereof (whether in or out of the shell).

Sale, possession, etc. of spiny lobster prohibited.

3.—(1) Subject to paragraph (2), a person shall not—

- (a) sell;
- (b) possess the whole or part of; or
- (c) import or export,

any specie of spiny lobster during the close season for lobster.

(2) Notwithstanding paragraph (1), where spiny lobster has been declared under regulation 4, to be in storage, that spiny lobster may be sold, exported or processed during the first twenty-one days after the commencement of the close season.

Declaration re spiny lobster.

4.—(1) Where—

- (a) a fisher;
- (b) a middleman;
- (c) an owner or operator of a commercial cold storage establishment or hotel, eating establishment or similar entity which offers spiny lobster meat to its patrons; or



(d) any other person,

has possession of any spiny lobster on or before the date of commencement of the close season, that person shall in writing declare the quantity stored therein to the Licensing Authority.

(2) A declaration made under paragraph (1), shall specify whether the spiny lobster in possession is—

- (a) the whole lobster;
- (b) the tail;
- (c) the head;
- (d) the head meat;
- (e) the tail meat; or
- (f) of any other category specified by the Licensing Authority.

Power to  
enter  
premises, etc.

5. A Fishery Inspector may enter at any reasonable time—

- (a) premises he knows or reasonably believes to be under the control of a person in possession of spiny lobster;
- (b) an entity referred to in regulation 4; or
- (c) devices in which he knows or reasonably believes spiny lobster are confined,

in order to inspect and verify the quantity of spiny lobster in that person's possession.

Power to  
seize lobster  
during close  
season.

6.—(1) Where, at any time after twenty-one days from the commencement of the close season—

- (a) a fisher;
- (b) a middleman;
- (c) an owner, operator or person in control of an establishment or entity referred to in regulation 4; or
- (d) any other person,

has possession of or offers for sale any spiny lobster, a Fishery Inspector may seize in whole or part the spiny lobster and deposit the seized product in a storage facility designated under regulation 7.

(2) A Fishery Inspector may, within twenty-one days of the commencement of the close season, seize in whole or part from a person mentioned in regulation 4, any spiny lobster that has not been declared by that person pursuant to regulation 4; and the Fishery Inspector may deposit the seized product in a storage facility designated under regulation 7.

Designation  
of storage  
facility.

7.—(1) The Minister may designate any facility an authorized storage facility, for the purpose of storing fish and fish products seized by a Fishery Inspector, and shall cause notification of the designation to be published in the *Gazette*.

(2) A Fishery Inspector shall from time, inspect each authorized storage facility.

Offences.

8. Any person who contravenes these Regulations commits an offence and is liable on summary conviction in a Resident Magistrate's Court, to a fine not exceeding one thousand dollars.

Dated this 30th day of April, 2009.

CHRISTOPHER TUFTON  
Minister of Agriculture and Fisheries.

No. F/5

FISHING INDUSTRY (SPINY LOBSTER)  
(AMMENDMENT) REGULATIONS, 2014



# THE FISHING INDUSTRY ACT

## The Fishing Industry (Spiny Lobster) (Amendment) Regulations, 2014

In exercise of the power conferred upon the Minister by section 25 of the Fishing Industry Act, the following Regulations are hereby made:-

- Citation.** 1. These Regulations may be cited as the Fishing Industry (Spiny Lobster) (Amendment) Regulations, 2014, and shall be read and construed as one with the Fishing Industry (Spiny Lobster) Regulations, 2009 (hereinafter referred to as the principal Regulations).
- Amendment of regulation 2 of principal Regulations.** 2. Regulation 2 of the principal Regulations is amended by inserting in their correct alphabetic sequence the following -
- “approved storage facility” means a storage facility approved under regulation 7(2);
- “authorized storage facility” means a storage facility designated under regulation 7(1);”.
- Amendment of regulation 3 of principal Regulations.** 3. Regulation 3 of the principal Regulations is amended by -
- (a) re-numbering paragraph (1) as regulation 3;
- (b) deleting the words “paragraph (2)” and substituting therefor the words “regulations 4 (2), 4A(4) and 7D”; and
- (c) deleting paragraph (2).
- Amendment of regulation 4 of principal Regulations.** 4. The principal Regulations are amended by deleting regulation 4 and substituting therefor the following -
- “Declaration to sell, export or process spiny lobster during close 4. - (1) Where -
- (a) a licensed fisherman;
- (b) middleman;

season.

(c) an owner or operator of a commercial cold storage establishment, hotel or eating establishment or similar entity which offers spiny lobster meat to its patrons; or

(d) any other person,

has possession of any spiny lobster that was lawfully fished before the date of commencement of a close season, and is desirous of selling, exporting or processing that spiny lobster within twenty-one days of the commencement of a close season, that person shall declare, in writing, to the Minister the quantity of spiny lobster in that person's possession.

(2) Notwithstanding regulation 3, where spiny lobster is declared under paragraph (1), that spiny lobster may be sold, exported or processed within twenty-one days after commencement of the close season.

(3) A declaration made under paragraph (1), shall specify whether the spiny lobster in possession is -

- (a) the whole lobster;
- (b) the tail;
- (c) the head;
- (d) the head meat;
- (e) the tail meat; or



(f) any other category specified by the  
Minister,  
and shall be submitted to the Minister for  
consideration within seven days of the  
commencement of the close season. "

**Insert new  
regulation 4A  
in principal  
Regulations.**

5. The principal Regulations are amended by inserting next after  
regulation 4 the following –

**" Application  
for storage  
of spiny  
lobster  
during close  
season.**

4A. – (1) A licensed fisherman who is desirous  
of having any spiny lobster that was lawfully fished  
and is in his possession before commencement of a  
close season, made available for sale, export or  
processing after the end of that close season, may  
apply to the Minister for an authorization to store  
the spiny lobster that is his possession for the  
duration of the close season.

(2) An application under paragraph (1)  
shall be made, in writing, and –

(a) shall include –

- (i) a detailed description of the spiny  
lobster that the applicant intends to  
store, including the matters  
prescribed in regulation 4(2) and  
any spiny lobster by-product or  
extract;
- (ii) a declaration by the applicant as to  
whether the spiny lobster that is

- the subject of the application will  
be sold, exported or processed at  
the end of the close season;
- (iii) the name and address of the  
approved storage facility where  
the applicant intends to store the  
spiny lobster for the duration of  
the close season; and
- (iv) where the applicant intends to  
export the stored spiny lobster,  
the application shall be  
accompanied by a certified copy of  
a valid licence to export or enter  
for export aquaculture, inland or  
marine product or its by-product  
granted under the Aquaculture,  
Inland and Marine Products and  
By-products (Inspection and  
Licensing) Act.

(3) An application under paragraph (1)  
shall be submitted to the Minister for consideration  
no later than the 15<sup>th</sup> day of April.

(4) The Minister may authorize the storage  
of spiny lobster for the duration of the close season  
where the Minister is satisfied that –

- (a) where the applicant intends to export

spiny lobster, and the applicant is the holder of a valid licence to export or enter for export aquaculture, inland or marine product or its by-product granted under the Aquaculture, Inland and Marine Products and By-products (Inspection and Licensing) Act; and

- (b) the information supplied by the applicant is consistent with the findings of any inspections conducted by a Fishery Inspector.

(5) Where the Minister grants an authorization under paragraph (4), the Minister shall issue to the person the authorization, in writing, subject to such terms and conditions, if any, which shall –

- (a) describe and state the quantity of the spiny lobster that has been authorized for storage during the close season;
- (b) identify the approved storage facility where the applicant intends to store the spiny lobster;
- (c) state the period during which the spiny lobster is to be stored; and
- (d) include any other matters as the Minister may determine.



(6) Where a licensed fisherman has been granted authorization under paragraph (4) is informed that an approved storage facility named in the authorization for storage of spiny lobster is unable or unwilling to store the spiny lobster, the person who made the application shall advise the Minister, in writing, of any change in arrangements for storage at least twenty-four hours before the date of intended delivery of the spiny lobster to another approved storage facility.

(7) In this regulation "certified copy" means a copy certified, on presentation of the original document, by a Justice of the Peace or a public officer appointed for the purpose by the Minister."

**Amendment  
of regulation  
5 of principal  
Regulations.**

6. The principal Regulations are amended by deleting regulation 5 and substituting therefor the following -

**" Power to  
enter  
premises, etc.**

5. - (1) A Fishery Inspector may enter at all reasonable times -

- (a) any premises he knows or reasonably believes to be under the control of a person in possession of spiny lobster;
- (b) the premises of a person referred to in regulation 4;
- (c) an authorized storage facility or an approved storage facility;

(d) devices or containers in which he knows or reasonably believes spiny lobster are confined.

(2) Where an approved storage facility receives for storage or releases from storage any spiny lobster, a Fishery Inspector shall inspect the spiny lobster –

(a) at the time of delivery for storage or release from storage, as the case may be, to ensure that the quantity and description of spiny lobster conforms with the authorization issued by the Minister before the approved storage facility stores the spiny lobster or releases from storage the spiny lobster at the end of the close season; and

(b) on completion of an inspection, where the Fishery Inspector is satisfied that the spiny lobster presented for storage or release from storage, as the case may be, conforms with the authorization of the Minister, the Fishery Inspector shall give a written approval for the approved storage facility to accept the spiny lobster for storage or to release it, as the case may be.

(3) The approval of a Fishery Inspector shall –

- (a) identify the Fishery Inspector conducting the inspection;
- (b) state the date on which and place where the inspection was conducted;
- (c) refer to the relevant authorization for storage and identify the licensed fisherman to whom it was granted and the approved storage facility;
- (d) state whether the quantity and description of spiny lobster conforms with the authorization for storage;
- (e) state whether the Fishery Inspector approves the storage or release of the spiny lobster;
- (f) include any other matter that the Minister may specify.

(4) The Fishery Inspector's approval shall be provided to the relevant approved storage facility and the licensed fisherman whose spiny lobster has been authorized for storage during the closed season."

**Amendment  
of regulation  
7 of principal  
regulations.**

- 7. The principal Regulations are amended in regulation 7 -
  - (a) in paragraph (1), by deleting the words "storing fish and fish products" and substituting therefor the words "storing spiny lobster";
  - (b) by deleting paragraph (2) and substituting therefor the following -



"(2) The Minister may, in writing, approve a facility, for the storage of spiny lobster during a close season.

(3) A Fishery Inspector shall from time to time, inspect each authorized storage facility or approved storage facility."

**Insert new regulation 7A in principal Regulations.**

8. The principal Regulations are amended by inserting next after regulation 7 the following -

**"Application for storage of spiny lobster.**

7A. - (1) An approved storage facility shall -

- (a) only accept for storage or store spiny lobster during a close season on presentation of and in accordance with an authorization for storage issued by the Minister;
- (b) not release or deliver from storage spiny lobster during a close season;
- (c) accept, receive, release or deliver spiny lobster for storage during a close season in the presence of and with the approval, in writing, of a Fishery Inspector issued under regulation 5(2).

(2) An approved storage facility that stores spiny lobster shall keep a record for at least seven years of all authorizations and Fishery Inspector approvals in respect thereof.

(3) For the avoidance of any doubt, an authorization by the Minister under regulation 4A

(4) specifying a named authorized storage facility does not oblige that storage facility to enter into a

contract with any person for the storage of spiny lobster or compel the named storage facility to accept spiny lobster for storage.

**Revocation of designation of storage facility.**

7B. - (1) Where the designation of an authorized storage facility is revoked the facility shall not accept for storage any seized spiny lobster.

(2) Where the approval of an approved storage facility is revoked the facility shall not accept for storage any spiny lobster authorized for storage by the Minister.

(3) Where a facility referred to in paragraph (1) or (2), at the time of revocation of designation or approval, as the case may be, has in storage any spiny lobster that spiny lobster may remain in storage remain in storage at that facility under the supervision of a Fishery Inspector for one month from the date of revocation of designation or such other period as the Minister may, in writing, determine.

**Access to stored spiny lobster.**

7C. - (1) Subject to paragraph (2), no person shall access, handle or interfere with any spiny lobster in storage at an approved storage during a close season.

(2) Subject to paragraph (2), no approved storage facility shall permit any person access to spiny lobster held in storage at that facility during a close season.

(3) Paragraph (1) or (2) does not apply where

the spiny lobster, while in storage, is accessed or handled by –

- (a) a Fishery Inspector; or
- (b) any person, in the interests of safeguarding or securing the spiny lobster, including preserving the condition thereof, where there is an event outside the control of the operator of the approved storage facility, including –

- (i) earthquake, hurricane, flood or other natural disaster event;
- (ii) civil unrest, riot, or an act of a third party.

(4) Where a person gains or is given access to or handles the stored spiny lobster under paragraph 3(b) to preserve that spiny lobster, the operator of the approved storage facility shall –

- (a) notify the Minister as soon as practicable; and
- (b) give a report in writing, to the Minister and, on request, the licensed fisherman to whom authorization for storage was given whose spiny lobster has been accessed or handled while in storage.



**Transitional.** 7D. In respect of a close season in effect during the year of publication of these Regulations in the *Gazette*, an application made under regulation 4A may be made before the 1<sup>st</sup> day of May, and any spiny lobster in the possession of an applicant that is the subject of such an application, having been lawfully fished in accordance with the Act, shall not be subject to seizure by a Fishery Inspector and the applicant shall not be liable under regulation 8.”

Dated this

17<sup>th</sup> day of

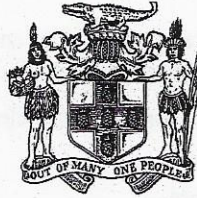
April

, 2014.



**Minister of Agriculture  
and Fisheries**

FISHING INDUSTRY (SPINY LOBSTER)  
(AMMENDMENT) REGUALTIONS, 2020



THE  
**JAMAICA GAZETTE**  
**SUPPLEMENT**

**PROCLAMATIONS, RULES AND REGULATIONS**

377

Vol. CXLIII

WEDNESDAY, APRIL 15, 2020

No. 70

No. 68

**THE FISHERIES ACT**

**THE FISHING INDUSTRY (SPINY LOBSTER) (AMENDMENT) REGULATIONS, 2020**

WHEREAS section 111(1) of the Fisheries Act (hereinafter referred to as the “Act”) repealed the Fishing Industry Act (hereinafter referred to as the “repealed Act”):

AND WHEREAS section 111(2)(a) of the Act provides that notwithstanding the repealed Act, regulations made and in force immediately before the repealed Act, shall remain in full force and effect, with such changes as may be necessary as if made under the Act may be amended or revoked accordingly:

AND WHEREAS the Act came into effect on the 1st day of June, 2019:

NOW, THEREFORE, in exercise of the power conferred upon the Minister by section 109 of the Fisheries Act, and of every other power hereunto enabling, the following Regulations are hereby made:—

1. These Regulations may be cited as the Fishing Industry (Spiny Lobster) (Amendment) Regulations, 2020, and shall be read and construed as one with the Fishing Industry (Spiny



Lobster) Regulations, 2009 (hereinafter referred to as the “principal Regulations”) and all amendments thereto.

2. Regulation 2 of the principal Regulations is amended by deleting from the definition of the term “close season” the word “section 19(k)” and substituting therefor the word “section 19(1)”.

3. Regulation 4 of the principal Regulations is amended by deleting the word “Minister” wherever it appears and substituting therefor, in each case, the word “Authority”.

4. The principal Regulations are amended by deleting regulation 4A and substituting therefor the following—

- |   |  |
|---|--|
| “Application for storage, sale overseas, export or processing of spiny lobster during close season. | 4A.—(1) Where—   |
|   | (a) a licensed fisherman;  |
|   | (b) a middleman;   |
|   | (c) an owner or operator of a commercial cold storage establishment, hotel or an eating establishment or similar entity which offers spiny lobster meat to its patrons; or |
|   | (d) any other person,  |

has possession of any spiny lobster that was lawfully fished before the commencement of the close season, and is desirous of storing, selling overseas or otherwise exporting, or processing the spiny lobster after twenty-one days of the commencement of the close season, that person shall apply to the Authority for an authorization to store, sell overseas or otherwise export or process such spiny lobster, as the case may be.

(2) An application under paragraph (1) shall be made, in writing, and shall include—

- (a) a detailed description of any spiny lobster by-product or extract that the applicant intends to store, sell overseas or otherwise export or process, specifying the information required of regulation 4(3);
- (b) a declaration by the applicant stating—
  - (i) whether the spiny lobster, that is the subject of the application, will be stored, sold overseas or otherwise exported or processed;
  - (ii) how much of the spiny lobster, if any, will remain in the possession of the applicant after such amount of the spiny lobster is stored, sold overseas or exported or processed, pursuant to paragraph (1);

- (c) where the application is for the storage of spiny lobster, the name and address of the approved storage facility where the applicant intends to store the spiny lobster for the duration of the close season; and
- (d) where the applicant intends to sell the spiny lobster overseas or otherwise export the spiny lobster, a certified copy of a valid licence to export or enter for export, an aquaculture, inland or marine product or its by-product, granted under the Aquaculture, Inland and Marine Products and By-Products (Inspection, and Licensing) Act.

(3) An application under paragraph (1) shall be submitted to the Authority for consideration no later than the 15th day of April, 2020.

(4) The Authority may authorize the storage of the spiny lobster for the duration of the close season where the Authority is satisfied that—

- (a) the applicant intends to sell overseas, or otherwise export the spiny lobster, and the applicant is the holder of a valid licence to export or enter for export aquaculture, inland or marine product or its by-product, granted under the Aquaculture, Inland and Marine Products and By-Products (Inspection and Licensing) Act; and
- (b) the information supplied by the applicant is consistent with the findings of any inspections by a fishery inspector.

(5) Where the Authority grants an authorization under this regulation, the Authority shall issue to the person, the authorization, in writing, subject to such terms and conditions, if any, which shall—

- (a) describe the state and the quantity of the spiny lobster that has been authorized for storage, sale overseas or export otherwise than for sale, as the case may be, or processing;
- (b) identify the approved storage facility, where the applicant intends to store the spiny lobster;
- (c) state the period of time during which the spiny lobster is to be stored, where the applicant intends to store the spiny lobster;
- (d) any other matter, as the Authority may determine.

(6) Where an applicant under this regulation, who has been granted an authorization to store spiny lobster, has been informed that an approved storage facility named in the authorization for storage of spiny lobster, is unable or unwilling to store the spiny lobster, the person



who made the application shall advise the Authority, in writing, of any change in arrangements for storage, at least twenty-four hours before the date of the intended delivery of the spiny lobster to another approved storage facility.

(7) In this regulation “certified copy” means a copy certified, on presentation of the original document, by a Justice of the Peace or a public officer appointed for the purpose by the Authority.”.

5. Regulation 5 of the principal Regulations is amended by—

- (a) deleting the words “Fishery Inspector” wherever they appear and substituting therefor, in each case, the words “fishery inspector”;
- (b) deleting the word “Minister” wherever it appears and substituting therefor, in each case, the word “Authority”; and
- (c) deleting paragraph (4) and substituting therefor the following—

“ (4) The fishery inspector’s approval shall be provided to the relevant approved storage facility and the—

- (a) licensed fisherman;
- (b) middleman;
- (c) owner or operator of a commercial cold storage establishment, hotel or eating establishment, hotel or eating establishment or similar entity which offers spiny lobster meat to its patrons; or
- (d) any other person,

whose spiny lobster has been authorized for storage during the close season.”.

6. Regulation 6 of the principal Regulations is amended by deleting the words “Fishery Inspector” wherever they appear and substituting therefor, in each case, the words “fishery inspector”.

7. Regulation 7 of the principal Regulations is amended—

- (a) in paragraph (2) by deleting the word “Minister” and substituting therefor the word “Authority”; and
- (b) in paragraph (3) by deleting the words “Fishery Inspector” and substituting therefor the words “fishery inspector”.

8. Regulation 7A of the principal Regulations is amended—

- (a) by deleting the word “Minister” wherever it appears and substituting therefor, in each case, the word “Authority”; and
- (b) by deleting the words “Fishery Inspector” wherever they appear and substituting therefor, in each case, the words “fishery inspector”.



---

9. Regulation 7B of the principal Regulations is amended—

- (a) by deleting the word “Minister” and substituting therefor, in each case, the word “Authority”; and
- (b) in paragraph (3) by deleting the words “Fishery Inspector” and substituting therefor the words “fishery inspector”.

10. Regulation 7C of the principal Regulations is amended—

- (a) by deleting subparagraph (a) of paragraph (3) and substituting therefor the following—

“(a) a fishery inspector;”;

- (b) in subparagraph (b)(ii) of paragraph (3) by deleting the fullstop and substituting therefor a semicolon;

- (c) by inserting next after subparagraph (b) of paragraph (3), as amended, the following—

“(c) a person specified in paragraph (1) of regulation 4, on the authorization of the Authority under regulation 4A.”;

- (d) in subparagraph (a) of paragraph (4) by deleting the word “Minister” and substituting therefor the word “Authority”; and

- (e) by deleting subparagraph (b) of paragraph (4) and substituting therefor the following—

“(b) give a report, in writing, to the Authority and, on request

- (i) the licensed fisherman;
- (ii) the middleman;
- (iii) the owner or operator of a commercial cold storage establishment, hotel or eating establishment or similar entity which offers spiny lobster meat to its patrons; or
- (iv) any other person,

to whom authorization for storage was given, whose spiny lobster has been accessed or handled while in storage.”.

Dated this 14th day of April, 2020.

AUDLEY SHAW  
Minister of Agriculture and Fisheries.

FISHING INDUSTRY (SPINY LOBSTER)  
(AMMENDMENT) REGUALTIONS, 2021



# THE FISHERIES ACT

## The Fishing Industry (Spiny Lobster) (Amendment) Regulations, 2021

**WHEREAS** the Fisheries Act ("the Act") came into effect on the 1<sup>st</sup> day of June, 2019:

**AND WHEREAS** section 111(1) of the Act repealed the Fishing Industry Act ("the repealed Act");

**AND WHEREAS** section 111(2) (a) of the Act provides that notwithstanding the repealed Act, regulations made and in force immediately before the repealed Act, shall remain in full force and effect with such changes as may be necessary as if made under the Act, may be amended and revoked accordingly:

**NOW THEREFORE**, in the exercise of the power conferred upon the Minister by section 109 of the Fisheries Act, and of every other power hereunto enabling, the following Regulations are hereby made:-

1. These Regulations may be cited as the Fishing Industry (Spiny Lobster) (Amendment) Regulations, 2021, and shall be read and construed as one with the Fishing Industry (Spiny Lobster) Regulations, 2009, ("principal Regulations") and all amendments thereto.
2. Regulation 4A of the principal Regulations is amended –
  - (a) in paragraph (1), by deleting the symbol and the words " or processing" and the words "or process";
  - (b) in paragraph (2)(a), by deleting the words "or process";
  - (c) in paragraph (2)(b), by deleting the words "or processed" wherever they appear;
  - (d) by deleting paragraph (3) and substituting therefor the following –

" (3) An application under paragraph (1) shall be submitted to the

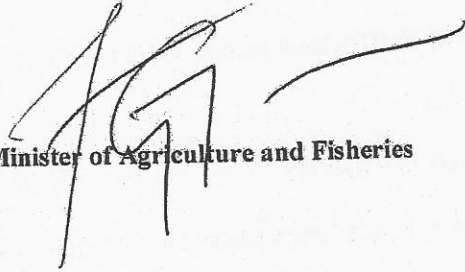


Authority for consideration no later than –

(a) the 31<sup>st</sup> day of May, 2021; and

(b) the 15<sup>th</sup> day of April in each subsequent year.”

Dated this 17<sup>th</sup> day of May, 2021.



Minister of Agriculture and Fisheries